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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/842,076

04/25/2001

Peter Schweitzer

STZ

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20238

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09/20/2004

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EXAMINER

ENG, GEORGE

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/842,076	Applicant(s) SCHWEITZER, PETER	
	Examiner George Eng	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20,34-41,43 and 44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20,34-41,43 and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office action is in response to the amendment filed 7/14/2004. Accordingly, claims 21-33 and 42 are cancelled and claims 1-20, 34-41 and 43-44 are pending for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-20, 34-41 and 43-44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant's newly amended claims 1, 12 and 34 contain subject matter, which was not described in the specification, as well as the drawings. As closely review the sections cited by Application in Remarks filed 7/14/2004, those cited sections fail to specifically explain how a switch is operable to receive and decode an emergency signal broadcast from a central authority as a single command event intended to alert and warn the general public, and to transmit an emergency ring pattern over all available ones of the subscriber lines handled by the switch that

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are in area codes and exchanges within the geographical region of concern without discriminating between subscribers if area codes and exchanges handles by the switch are within the geographical region of concern, said emergency ring pattern simultaneously ringing a plurality of subscriber in a repetitive pattern that is discontinued after a preselected number of repetition. Thus, the newly amended claims contain subject matter, which was not described in the specification, as well as the drawings. Thus, the newly amended claims contain new subject matter(s) that would not have possession of the claimed invention at the time of filing.

In addition, claims 8, 17, 30-31 and 39-40 are also rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement the specification, as well as the drawings, because the specification fails to disclose how the switching equipment is operable to transmit the emergency ring pattern at different times for different groups of the subscriber lines and to transmit a ring pattern being performed by multiplexing the emergency ring pattern in order to ring different lines in the same time period with a different phase so that it raises doubt as to possession of the claimed invention at the time of filing.

The remaining of the claims are also rejected because of depending on claims 1, 12 and 34, respectively, containing the same deficiency.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10, 12-19, 34-41 and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vinson (US PAT 6,594,345) in view of Smith (US PAT. 5,166,972).

Regarding claims 1, Vinson discloses a switching equipment in a switch telephone network for alerting and warning the general public comprising a switch (54, figure 1) comprising components of service transfer point (60, figure 1) and special node (80, figure 1) for operating in said switch telephone network and operable to establish telephonic communication between callers and called party over a predetermined number of subscriber lines with a standard ring pattern, and to provide alert people to seek emergency instruction from another medium with answering a telephone by receiving and decoding an emergency signal broadcast from a central authority (90, figure 1) as a single command intended to alert and warning the general public, the emergency signal having been encoded to signify a geographical region of concern (col. 4 lines 1-63), and transmitting an alert message over ones of the subscriber lines handled by the switch that are in area codes and exchanges within the geographical region of concern if area codes and exchanges handled by the switch are within the geographical region of concern, wherein said alert message ringing a plurality of subscribers in a repetitive pattern that is discontinued after a pre-selected number of repetitions (col. 5 line 23 through col. 7 line 14). Vinson differs from the claimed invention in not specifically teaching the alert message being a non-verbally alert containing an emergency ring pattern so that the switch transmits the emergency ring pattern simultaneously over all available ones of subscriber lines without discriminating between subscribers. However, Smith teaches a group emergency system for use in an exchange to alert a group of people in an event of emergency utilizing a distinctive ringing

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pattern for simultaneously ringing all available ones of subscribers without discriminating between subscribers in order to effectiveness in providing the early disaster warning to telephone subscribers in predetermined geographic areas (col. 3 lines 30-38). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Vinson in transmitting non-verbally alert containing an emergency ring pattern for simultaneously ringing over all available ones of subscriber lines without discriminating between subscribers, as per teaching of Smith, in order to effectiveness in providing the early disaster warning to telephone subscribers in predetermined geographic areas.

Regarding claim 2, Vinson teaches a link to send a broadcast signal signifying the occurrence of the single command event in order to broadcast the need for a recurrence elsewhere of a response performed locally by the switch in response to the single command event (col. 4 lines 23-39), as well as (col. 3 line 39 through col. 4 line 6).

Regarding claims 3-4, Vinson teaches to utilizes a common channel signaling network coupled to a service switching point (54, figure 1) to provide early disaster warning, i.e., a broadcast signal, to a link (53, figure 1).

Regarding claims 5-6, Vinson teaches the broadcast signal including information signifying a destination for the broadcast signal and information signifying an emergency type (col. 4 lines 7-46), as well as Smith (col. 4 lines 42-50).

Regarding claim 7, Smith discloses an assignment data table, i.e., a database, having information about the subscriber lines, and the switching equipment being operable to send the emergency ring pattern to a portion of the subscriber lines from the table in response to the signal command event (col. 4 lines 33-50).

Regarding claim 7, Smith discloses an assignment data table, i.e., a database, having information about the subscriber lines, and the switching equipment being operable to send the emergency ring pattern to a portion of the subscriber lines from the table in response to the signal command event (col. 4 lines 33-50).

Regarding claims 8-9, Smith teaches to transmit the emergency ring pattern at different time when subscriber sets busy and to provide distinctive ring pattern for the emergency call (col. 3 lines 30-46) so that it recognizes the switching equipment being operable to transmit the emergency ring pattern at different times for different groupings of the subscriber lines and to multiplex the emergency ring pattern in order to ring in the same time period with a different phase.

Regarding claim 10, Smith teaches the subscriber lines being segregated into a queue so that the switching equipment is operated to sequentially ring individual ones of the queue exclusively before completing and sequencing to the next one of the queue (col. 3 line 65 through col. 4 line 15 and col. 5 line 55 through col. 6 line 17).

Regarding claim 12, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claim 13, the limitations of the claim are rejected as the same reasons set forth in claim 2.

Regarding claims 14-15, the limitations of the claims are rejected as the same reasons set forth in claims 5-6.

Regarding claim 16, the limitations of the claim are rejected as the same reasons set forth in claim 7

Regarding claims 17-18, the limitations of the claims are rejected as the same reasons set forth in claims 8-9.

Regarding claim 19, the limitations of the claim are rejected as the same reasons set forth in claim 10.

Regarding claim 34, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claim 35, the limitations of the claims are rejected as the same reasons set forth in claim 2.

Regarding claims 36-37, the limitations of the claims are rejected as the same reasons set forth in claims 5-6.

Regarding claim 38, the limitations of the claims are rejected as the same reasons set forth in claim 7.

Regarding claims 39-40, the limitations of the claims are rejected as the same reasons set forth in claims 17-18.

Regarding claims 41, the limitations of the claims are rejected as the same reasons set forth in claim 19.

Regarding claims 43-44, Smith teaches additional dedicated computers programmed to accomplish the special ring, wherein the plurality of switches are operable to send the special ring from one central office to another in order to alert the entire general public (col. 1 line 42 through col. 2 line 7).

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vinson (US PAT 6,594,345) in view of Smith (US PAT. 5,166,972) as applied in claim 1 above, and further in view of Harrison et al. (US PAT. 6,418,216 hereinafter Harrison).

Regarding claim 11, Smith teaches a link to send a broadcast signal signifying the occurrence of the single command event in order to broadcast the need for a recurrence elsewhere of a response performed locally by the switch in response to the single command event (col. 3 line 39 through col. 4 line 6). The combination of Vinson and Smith differs from the claimed invention in not specifically teaching to send a broadcast signal signifying the occurrence of the single command to one or more cellular telephone network and PBXs. However, Harrison teaches to apply an emergency call process to other environments that are external to the PSTN including PBXs and cellular telephone network (col. 9 lines 30-54) in order to make compatible with other environments that are external to the PSTN. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Vinson and Smith in sending the broadcast signal signifying the occurrence of the single command to one or more cellular telephone network and PBXs, as per teaching of Harrison, in order to make compatible with other environments that are external to the PSTN.

7. Claims 20 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vinson (US PAT 6,594,345) in view of Smith (US PAT. 5,166,972) as applied in claims above, and further in view of Harrison et al. (US PAT. 6,418,216 hereinafter Harrison).

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Regarding claim 20, Smith teaches a link to send a broadcast signal signifying the occurrence of the single command event in order to broadcast the need for a recurrence elsewhere of a response performed locally by the switch in response to the single command event (col. 3 line 39 through col. 4 line 6). The combination of Vinson and Smith differs from the claimed invention in not specifically teaching to send a broadcast signal signifying the occurrence of the single command to one or more cellular telephone network and PBXs. However, Harrison teaches to apply an emergency call process to other environments that are external to the PSTN including PBXs and cellular telephone network (col. 9 lines 30-54) in order to make compatible with other environments that are external to the PSTN. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Vinson and Smith in sending the broadcast signal signifying the occurrence of the single command to one or more cellular telephone network and PBXs, as per teaching of Harrison, in order to make compatible with other environments that are external to the PSTN.

Regarding claim 42, the limitations of the claim are rejected as the same reasons set forth in claim 20.

Regarding claims 24, 33 and 42, the limitations of the claims are rejected as the same reasons set forth in claim 20.

Response to Arguments

8. Applicant's arguments filed 7/14/2004 have been fully considered but they are not persuasive.

In response to applicant's argument that the 35 USC 112 first paragraph rejection is improper because the specification is not silent one implementing ringing circuitry, it is found not persuasive. As a closely review the sections cited by Applicant, those sections merely discloses general structure of the components within the warning system including emergency alert messages, database of telephone exchanges, alert message processing, alert message distribution through the PSTN, signal distribution through private networks and PBXs, ringing standards and circuits, and ringing tiers, which the specification fails to specifically explain the operation of a switch to receive and decode an emergency signal broadcast from a central authority as a single command event intended to alert and warn the general public, to transmit an emergency ring pattern over all available ones of the subscriber lines handled by the switch that are in area codes and exchanges within the geographical region of concern without discriminating between subscribers if area codes and exchanges handles by the switch are within the geographical region of concern, said emergency ring pattern simultaneously ringing a plurality of subscriber in a repetitive pattern that is discontinued after a preselected number of repetition, to transmit the emergency ring pattern at different times for different groups of the subscriber lines and to transmit a ring pattern being performed by multiplexing the emergency ring pattern in order to ring different lines in the same time period with a different phase. Thus, on skill would raise a question of whether the claim invention has possession of the above claim

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limitations at the time of filing because the specification does not contain the detailed description of the claimed limitations.

9. Applicant's arguments with respect to claims 1-20, 34-41 and 43-44 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

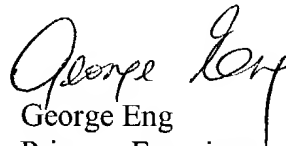
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tue-Fri 7:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


George Eng
Primary Examiner
Art Unit 2643